



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No. 17

MILTON S. SALES
EASTMAN KODAK COMPANY
PATENT LEGAL STAFF
343 STATE STREET
ROCHESTER NY 14650-2201

COPY MAILED

JAN 14 2005

OFFICE OF PETITIONS

In re Application of	:	
McIntyre, et al.	:	DECISION ON PETITION
Application No. 09/451,315	:	
Filing Date: November 30, 1999	:	
Attorney Docket No. 79909F-P	:	

This is a decision on the petition under 37 CFR § 1.183, filed October 10, 2003 (certificate of mailing date October 8, 2003), to waive 37 CFR §1.193 and permit entry of a late filed Reply Brief.

The U.S.P.T.O. Board of Patent Appeals and Interferences rendered a decision on appeal on September 23, 2004 without considering applicants' August 29, 2003 Reply Brief. The September 23, 2004 decision reversed the examiner's rejection of claims 1, 7, 8, 12, 14 through 16 under 33 U.S.C. §102 and reversed the examiner's rejection of claims 2 through 6, 9 through 11, 13 through 15 and 17 through 33 under 35 U.S.C. §103.

Given the decision of the Board, it appears that no meaningful relief can be granted in response to this petition. The petition is **dismissed as moot**. However, the petition is dismissed without prejudice. The \$130 petition fee submitted with the instant petition will be credited to deposit account no. 05-0225

The file is being forwarded to Technology Center 3600 for further processing.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

E. Shirene Willis
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy